

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA
FEB 22 1994

In re:

Chapter 7

BARBARA A. EVERLY, CLERK

KATHY A. DOANE Debtor

Bankruptcy No. 92-21736LD

JOSEPH GORCHANA,
PATRICIA GORCHANA
Plaintiff

Adversary No. 92-²~~5~~268LD

v.

KATHY A. DOANE
Defendant

JUDGMENT

This proceeding having come on for trial or hearing before the court, the Honorable Paul J. Kilburg, United States Bankruptcy Judge, presiding, and the issues having been duly tried or heard and a decision having been rendered,

IT IS ORDERED AND ADJUDGED that Corliss Baty, Attorney for Defendant is awarded \$1,000 in attorney's fees based upon the bad faith of the Plaintiffs in this adversary action.

IT IS FURTHER ORDERED AND ADJUDGED that judgment shall enter in favor of Attorney Baty and against Joseph Gorchana and Patricia Gorchana.



[Seal of the U.S. Bankruptcy Court]

BARBARA A. EVERLY
Clerk of Bankruptcy Court

By: *M. A. Golay*
Deputy Clerk

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*Copy to M. A. Golay
Re: 2/22/94*

UNITED STATES BANKRUPTCY COURT -- NORTHERN DISTRICT OF IOWA
PROCEEDING MEMO AND ORDER

Date: Feb. 18, 1994 Chapter 7 Bankr. No. 92-21736LD

IN RE: KATHY A. DOANE

Adv. No. 92-5268LD

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

FEB 22 1994

JOSEPH GORCHANA, PATRICIA GORCHANA
v.

KATHY A. DOANE

BARBARA A. EVERLY, CLERK

APPEARANCES: Attorney(s) for Plaintiff(s): no one appeared nor anyone for them

Attorney(s) for Defendant(s): Corliss Baty

U. S. Trustee: _____

Other: _____

NATURE OF PROCEEDING: _____ In Court XX Telephonic
_____ Trial _____ Motion for Summary Judgment
_____ Status Conference _____ Motion to Compel Discovery
_____ Pretrial Conference XX Other Award of Attorney's Fees

OUTCOME OF PROCEEDING:

_____ The matter having been submitted,
_____ Having been informed that the matter is settled,
_____ And findings of fact and conclusions of law having been orally stated,

IT IS ORDERED THAT:

_____ The matter is taken under advisement. Briefs due _____

_____ Settlement documents are to be submitted within 30 days or the matter will be dismissed pursuant to Local Rule 13(D).

_____ JUDGMENT is entered as follows pursuant to Fed.R.Bankr.P. 9021.

XX (Other)

The Court telephonically recorded the hearing held on this date. Though Attorney Baty attempted to contact Plaintiffs, he was unsuccessful in doing so and they did not participate in this hearing.

Attorney Baty requests \$1,000 in attorney's fees based upon the bad faith of the Plaintiffs in pursuing this adversary proceeding. This hearing was held specifically on that issue. Based upon the record made on this date, the Court finds that Attorney Baty has carried his burden to establish bad faith on the part of the Plaintiffs in pursuing this matter. The Court further finds that Attorney Baty's request for \$1,000, based upon his fee affidavit, is reasonable in light of the time expended and the reasonable hourly rate charged in these proceedings.

For all reasons set forth in the record, the Court finds that Mr. Baty has established that he is entitled to an award of attorney's fees for bad faith on the part of the Plaintiffs under the legal principles set forth in Alyeska Pipeline Service Co. v. Wilderness Society, 421 U.S. 240; Roadway Express, Inc. v. Piper, 447 U.S. 752; and In re Plunkett, 47 B.R. 172.

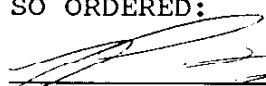
WHEREFORE, Corliss Baty, Attorney for Defendant, is awarded \$1,000 in attorney's fees based upon the bad faith of the Plaintiffs in this adversary action.

FURTHER, judgment shall enter in favor of Attorney Baty and against Joseph Gorchana and Patricia Gorchana.

Copy to Plaintiffs;
to Corliss Baty and U.S.
Trustee (w/judgment)

Rev. 9/91 this 2/22/94 mg

SO ORDERED:


U. S. Bankruptcy Judge